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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/632,086 | 08/01/2003 | Rick Kiessig | 25396-006 | 3391 |
| 7590 | 10/19/2006 | | EXAMINER | |
| Rick A. Toering Mintz Levin Cohn Ferris Glovsky and Popeo PC Suite 900 12010 Sunset Hills Road Reston, VA 20190 | | | LEWIS, CHERYL RENEA | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2167 | |

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|--------------------------|------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/632,086 | KIESSIG ET AL. |
| | Examiner Cheryl Lewis | Art Unit 2167 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10 August 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2 and 4-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1, 2, and 4-32 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

1. This Office Action is in response to the applicants' amendment received on August 10, 2006.
2. Claims 1, 2, and 4-32 are presented for examination.
3. The applicants have amended claims 1, 4-6, 8-17, and 22-25 in the amendment received on August 10, 2006. Also, the amendment received on August 10, 2006, the applicants have cancelled claim 3 and introduced new claims 26-32.
4. Applicants' arguments with respect to claims 1, 2, and 4-32 have been considered but are deemed to be moot in view of the new grounds of rejection.

Specification

5. The applicants have amended the Specification to include reference serial numbers to identify the plurality of applications that have been incorporated with the instant application.

Drawings

6. The applicants have submitted replacement drawing sheets for figures 1-5. Therefore, the drawings submitted on August 10, 2006 are accepted by the Examiner.

Double Patenting

7. The double patenting rejection cited in the prior Office Action dated February 10, 2006 is hereby withdrawn. The applicants have filed a terminal disclaimer to overcome the provisional obviousness-type double patenting rejection of the instant application (10/632086) over applications 10/632091, 10/632087, and 10632092.

The terminal disclaimer has been approved and it has been placed in the application file.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1 and 26 recite a 'workflow event' and a 'workflow module'. However, in the Specification and in the Abstract the terminology for 'workflow' is used. The Specification and the Abstract only recite 'workflow' as a means to "facilitate workflow" and "including control of workflow". The Specification fails to give and/or provide a definition for 'workflow event' and a 'workflow module' as recited in the limitations of claims 1 and 26. There is insufficient antecedent basis for this limitation in the claim(s).

10. Claims 1 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 26 recite a 'workflow event', a 'workflow module', and a 'predetermined event'. Again, there is insufficient information that has been provided for

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these claim limitations. The claims do not provide a specific detailed description about how these operations are implemented. There is no detailed description about the manipulation of data, data structures, or data items within these claimed event operations.

Thus claims 2, 4-25, and 27-32 are also rejected for at least the reasons set forth above.

NAME OF CONTACT

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (571) 272-4113. The examiner can normally be reached on 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

(571) 273-4113 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/ Technology Center (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cheryl Lewis
Patent Examiner
October 13, 2006